

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.3411 of 2017

Date of decision:11.5.2017

Smt.Ompati

...Petitioner

Versus

Superintending Engineer, Operation Circle, Dakshin Haryana Bijli Vitran
Nigam Ltd. Gurgaon and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.M.S.Rana, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Plaintiff has approached this Court by way of present revision petition filed under Article 227 of the Constitution of India, for setting aside the impugned order dated 7.2.2017 passed by the learned trial Court, whereby application moved by the defendants under Order 7 Rule 11 of the Code of Civil Procedure ('CPC') was allowed, pointing out that the learned trial Court was not having any jurisdiction and the plaint was returned.

Heard learned counsel for the petitioner.

It is a matter of record that all the defendants are official defendants with whom late husband of the plaintiff-petitioner had been working. Admittedly, late husband of the plaintiff-petitioner never worked at Meham. The learned trial Court has specifically noticed in the impugned order that neither any of the defendants resides or carries a business or personally work for gain at Meham because of which no cause of action,

wholly or in part, arises at Meham.

Petitioner should have thanked her stars that this serious and technical defect in the suit was being pointed out by the defendants at the very inception of the litigation. Further, there is hardly any distance between Meham and Rohtak. Plaintiff would have no difficulty in filing the suit at Rohtak, where the learned court would have jurisdiction to try and decide the suit. In fact, instead of challenging the order dated 7.2.2017 passed by the learned trial court at Meham, plaintiff-petitioner should have filed her suit before the learned court of competent jurisdiction at Rohtak. Instant one was an avoidable litigation. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

No prejudice of any kind, whatsoever, has been caused to the petitioner by passing the impugned order. In fact, the impugned order would be of great help to the petitioner, because the defendants would have no scope of raising any objection regarding jurisdiction, in case the suit is filed at Rohtak because office of defendant-respondent No.5 was situated at Rohtak. In this view of the matter, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for

interference has been made out

Resultantly, with the above-said observations made, the instant civil revision petition stands dismissed, however, with no order as to costs.

11.5.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE